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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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SONNENSCHN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, SEARS TOWER
CHICAGO, IL 60606-1080

EXAMINER

LU, KUEN S

ART UNIT	PAPER NUMBER
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2167

DATE MAILED: 08/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/693,590

Applicant(s)

HARRIS, ELBERT

Examiner

Kuen S. Lu

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendments

1. The Action is responsive to the Applicant's Amendments, filed on July 8, 2005.
2. Concerning the Applicant's Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received as part of the affidavit, filed on July 8, 2005, has been fully considered by the Examiner, please see discussion in the section ***Response to Affidavit(s) (Rule 131 or 132) or Exhibit(s)***, following the Office Action for Final Rejection (hereafter "the Action"), as shown in next section.
3. As for Applicant's Remarks, filed on July 8, 2005 with the Amendments, has been fully considered by the Examiner, please see discussion in the section of ***Response to Arguments***, following the section ***Response to Affidavit(s) (Rule 131 or 132) or Exhibit(s)***.
4. Concerning Applicant's amendments made to each of independent claims 1, 3, 10, 11, 14 and 26, new issues were raised when each of the claims were amended with modified or new elements for overcoming the Examiner's Office Action for non-Final Rejection, dated April 8, 2005. To further address the new issues, the Examiner has introduced U.S. patents for claims rejection in the Action.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright et al. (U.S. Patent 6,581,040, hereby "Wright"), further in view of Thompson (U.S. Patent 6,393,410).

As per claims 1, 3, 11 and 14, Wright teaches "providing a first database containing information related to managing a construction project having stored therein a plurality of requirements for the construction project" (See col. 4, lines 35-43 wherein Wright's a set of specifications of a proposed project are posted to one of the databases is equivalent to Applicant's providing a first database containing information related to managing a construction project having stored therein a plurality of requirements for the construction project).

The Wright reference teaches "providing a second database containing specific information on system users" at Figs. 4, 6 and col. 4, lines 38-39 for users system users such as system administrator, owner, vendor, architect, engineer, general contractor, contractor and resource provider to access the system and database.

However, the Wright reference does not specifically teaches "providing a second database containing specific information on system users" for system users such as builders.

The Thompson reference teaches "providing a second database containing specific information on system users" at Fig. 1, 4-7 and col. 2, lines 56-66 where authorized users such as builders can login the database to receive and transfer information.

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention was made to combine Thompson's teaching with Wright reference by specifically maintaining database for user accounts because the two references are both directed to construct project management and the combined teaching of the references would have simplified the process of managing construction projects by separating project users database from construction data such that users could have been flexibly authorized to use databases and participate project based on profession specialized, project assigned and project located.

The combined teaching of the Thompson and Wright references further teaches the following:

"providing a third database containing information on submittal documents to be completed and approved as part of a project" (See Thompson: Fig. 1 and col. 7, lines

46-60 where project description is posted, and proposals and bids are submitted into databases for review and change and participant owners post, inactivate, withdrawn and modify data from the databases suggests the teaching of documents submittals and approvals);

"providing a computer network including a plurality of user computer access points,"

(See Thompson: the Abstract and Fig. 1 where network is provided for system users such as architects, general contractors, builders and engineers to access the system).

"said network including a subscriber access point for use by a subscriber to said system, said subscriber access point having full access to enter, to read and to change information in said first, second and third database," (See Wright: Fig. 1 and col. 7, lines 46-60 where user account is created, project description is posted, proposals and bids are submitted into databases for review and change, and participant owners post, inactivate, withdrawn and modify data from the databases, and Wright: col. 4, lines 35-43 wherein Wright's a set of specifications of a proposed project are posted to one of the databases);

"said network further including a contributor access point for use by a contributor to said submittal documents, said contributor access point having access to read information in said first and second databases and access to enter, read and change information in said third database," (See Wright: Fig. 1 and col. 7, lines 46-60 where user account is created, project description is posted, proposals and bids are submitted into databases for review and change, and participant owners post, inactivate, withdrawn and modify

data from the databases, and Wright: col. 4, lines 35-43 wherein Wright's a set of specifications of a proposed project are posted to one of the databases);

"said network further including a responder access point for use by a responder, said responder access point having access to read information in said first, second and third database and having the ability to approve said submittal documents;"

"posting a completed submittal to said network for review by said responder following completion by said contributor" (See Wright: Fig. 1 and col. 7, lines 46-60 where user account is created, project description is posted, proposals and bids are submitted into databases for review and change, and participant owners post, inactivate, withdrawn and modify data from the databases, and Wright: col. 4, lines 35-43 wherein Wright's a set of specifications of a proposed project are posted to one of the databases);

"approving said completed submittal electronically by said responder via said network" (See Wright: Fig. 1 and col. 7, lines 46-60 where user account is created, project description is posted, proposals and bids are submitted into databases for review and change, and participant owners post, inactivate, withdrawn and modify data from the databases, and users access to the system via network, and at col. 4, lines 35-43 wherein Wright's a set of specifications of a proposed project are posted to one of the databases); and

"wherein said databases are controlled by a subscription service provider" and "wherein said databases are controlled by a subscription service provider" (See Wright: Fig. 1 and col. 7, lines 46-60 where participant owners post, inactivate, withdrawn and modify data from the databases).

As per claim 10, Wright teaches "submitting information to a submittal document stored on a component of a computer network" (See Figs. 4, 6 and col. 10, lines 3-25 where system users, including system administrator, owner, vendor, architect, engineer, general contractor, contractor and resource provider to submit information to system database of a system, including via public information web site).

Wright does not specifically teach "said component of said computer network being controlled by a subscription service provider".

However, Thompson teaches "said component of said computer network being controlled by a subscription service provider" (See Figs. 1-20 and col. 7, lines 46-60 where participant owners post, inactivate, withdrawn and modify data from the databases).

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention was made to combine Thompson's teaching with Wright reference by specifically maintaining database for user accounts because the two references are both directed to construct project management and the combined teaching of the references would have simplified the process of managing construction projects by separating project users database from construction data such that users could have

been flexibly authorized to use databases and participate project based on profession specialized, project assigned and project located.

The combined teaching of the Thompson and Wright references further teaches the following:

“requesting submittal document required information from access points connected to said computer network” (See Thompson: Fig. 1 and col. 2, lines 45-55 where general contractors, subcontractors, suppliers, builders, owners, engineers and architects access databases via network); and

“requesting approval through said computer network of said submittal document stored on said component of said computer network” (See Wright: col. 4, lines 47-67 and col. 5, lines 45-55 where system users select, review filter information and utilize template to prepare specification suggests teaching of a document approval process) .

As per claim 26, Wright teaches the following:

“preparing a submittal containing requirements and/or specifications for at least a component of the construction project” (See col. 4, lines 39-42 where construction project owners prepare specifications and post them to the system database); and
“posting the submittal” (See col. 4, lines 39-42 where construction project owners prepare specifications and post them to the system database).

Wright does not specifically teach the submittal posted to “at a central location”.

However, Thompson teaches "at a central location" (See Figs. 2-3 and col. 2, lines 60-63 where project information is received at a central office housing the construction project system)

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention was made to combine Thompson's teaching with Wright reference by centrally maintaining databases at an office because the two references are both directed to construct project management and the combined teaching of the references would have simplified the process of managing construction projects by centrally locating databases for flexibly maintenance of the system and databases and allowing users conveniently access the project office physically.

The combined teaching of the Thompson and Wright references further teaches the following:

"system database is controlled by a service provider" (See Wright: Fig. 1 and col. 7, lines 46-60 where participant owners post, inactivate, withdrawn and modify data from the databases);

"accessing the submittal at the central location by a contributor to the submittal" (See Wright: Fig. 4 and col. 11, lines 3-25 where project owner, architect, general contractor, contractor, vendor and supplier access the system database for submitting data, and Thompson: Figs. 2-3 and col. 2, lines 60-63 where project information is received at a central office housing the construction project system);

"completing the submittal by the contributor" (See Wright: Fig. 3, steps 18-26 and col. 9, lines 9-18 where proposals are submitted, reviewed, detailed and posted); and
"updating the posting of the submittal to include the completed submittal at the central location" (See Wright: Fig. 3, steps 18-26 and col. 9, lines 9-18 where proposals are submitted, reviewed, detailed and posted when completed, and Thompson: Figs. 2-3 and col. 2, lines 60-63 where project information is received at a central office housing the construction project system).

As per claim 2, the combined teaching of the Thompson and Wright references further teaches "wherein said subscriber access point can issue passwords to give access to information to said contributor access point and said responder access point" (See Thompson: Figs. 1 and 5-7 wherein Thompson's user account creation for users of the construction management system to access via network is equivalent to Applicant's subscriber access point can issue passwords to give access to information to said contributor access point and said responder access point).

As per claims 4 and 13, the combined teaching of the Thompson and Wright references further teaches "receiving information from a responder access point having the ability to read only information in said first, second and third database and said network having the ability to receive approval of said submittal documents from said responder access point such that automatic authorization of project payments can be provided via said computer network" (See Thompson: Fig. 1 and col. 1, lines 35-55

where general contractors, subcontractors, architects, engineers, suppliers, builders and project owners subscribing the services provided by the construction management system, contributing to the construction project and responding with various task assignment via a network, and Wright: col. 7, lines 47-60 where participants of a construction project may own, read, use, inactivate, withdraw and modify data accordingly).

As per claims 5 and 12, the combined teaching of the Thompson and Wright references further teaches "a user of said subscriber access point is a prime contractor on said construction project" (See Thompson: Fig. 1 and col. 1, lines 35-55 where general contractors, subcontractors, architects, engineers, suppliers, builders and project owners subscribing the services provided by the construction management system, contributing to the construction project and responding with various task assignment via a network).

As per claim 6, the combined teaching of the Thompson and Wright references further teaches "said requirements for the construction project include project drawings" (See Thompson: Fig. 2, col. 2, lines 56-67 and col. 3, lines 21-29 where drawings are collected and reviewed).

As per claim 7, the combined teaching of the Thompson and Wright references further teaches "a user of said responder access point is an architect or a project engineer on said construction project" (See Thompson: Fig. 1 and col. 1, lines 35-55

where general contractors, subcontractors, architects, engineers, suppliers, builders and project owners subscribing the services provided by the construction management system, contributing to the construction project and responding with various task assignment via a network).

As per claim 8, the combined teaching of the Thompson and Wright references further teaches "project payments are for materials required in said submittal document" (See Thompson: Fig. 2 and col. 3, lines 1-10 where specifications and drawings are reviewed to estimate material needed to build the construction project and distribute the orders).

As per claim 9, the combined teaching of the Thompson and Wright references further teaches "the step of automatically sending a message via said computer network to said contributor when information is received" (See Thompson: Fig. 2, col. 2, lines 60-66 where electronic transfer may be performed by electronic mail on regular basis).

As per claim 15, the combined teaching of the Thompson and Wright references further teaches "of notifying automatically said subscriber and said contributor access points upon approval of a submittal document through said computer network" (See Thompson: Fig. 2, col. 2, lines 60-66 where electronic transfer may be performed by electronic mail on regular basis suggests email can be pre-arranged, and further at Fig. 1 and col. 7, lines 46-60 where project description is posted, proposals and bids are submitted into databases for review and change, and participant owners post,

inactivate, withdrawn and modify data from the databases suggests the teaching of documents submittals and approvals).

As per claim 16, the combined teaching of the Thompson and Wright references further teaches "at least one contributor access point has access to read and change information in said first and second databases" (See Thompson: Fig. 1 and col. 7, lines 46-60 where project description is posted, proposals and bids are submitted into databases for review and change, and participant owners post, inactivate, withdrawn and modify data from the databases).

As per claim 17, the combined teaching of the Thompson and Wright references further teaches "receiving approval of said submittal documents such that automatic authorization of project payments can be provided via said computer network" (See Thompson: Fig. 1 and col. 7, lines 46-60 where project description is posted, proposals and bids are submitted into databases for review and change, and participant owners post, inactivate, withdrawn and modify data from the databases, Wright: Fig. 5 and col. 10, lines 56-67 where payment is verified and acknowledged).

As per claim 18, the combined teaching of the Thompson and Wright references further teaches "payment requests are received from said contributor" (See Wright: Figs. 4-5 and col. 10, lines 3-26 and lines 56-66 where vendors/suppliers sends information to database and payment is acknowledged, received and verified).

As per claim 19, the combined teaching of the Thompson and Wright references further teaches "automatic authorization of payment can be provided via said network" (See Wright: Figs. 4-5 and col. 10, lines 3-26 and lines 56-66 where vendors/suppliers sends information to database and payment is acknowledged, received and verified, and Thompson: Fig. 2, col. 2, lines 60-66 where electronic transfer may be performed by electronic mail on regular basis).

As per claim 20 and 22-25, the combined teaching of the Thompson and Wright references further teaches "network comprises the Internet" (See Wright: Fig. 5, element 106 and col. 11, lines 5-10 where users can access the construction management system via internet).

As per claim 21, the combined teaching of the Thompson and Wright references further teaches "a user of said contributor access point is a subcontractor on said construction project" (See Thompson: Fig. 1 and col. 1, lines 35-55 where general contractors, subcontractors, architects, engineers, suppliers, builders and project owners subscribing the services provided by the construction management system, contributing to the construction project and responding with various task assignment via a network).

As per claim 27, the combined teaching of the Thompson and Wright references further teaches "notifying the contributor electronically of the posting, and/or updating, of

the submittal at the central location" (See Wright: Fig. 1 and col. 7, lines 46-60 where user account is created, project description is posted, proposals and bids are submitted into databases for review and change, and participant owners post, inactivate, withdrawn and modify data from the databases, and Wright: col. 4, lines 35-43 wherein Wright's a set of specifications of a proposed project are posted to one of the databases, and Thompson: Figs. 2-3 and col. 2, lines 60-63 where project information is received at a central office housing the construction project system).

As per claim 28, the combined teaching of the Thompson and Wright references further teaches "notifying the contributor comprises automatically sending an email message upon achievement of said step of posting, and/or updating, the submittal at the central location" (See Wright: Fig. 1 and col. 7, lines 46-60 where user account is created, project description is posted, proposals and bids are submitted into databases for review and change, and participant owners post, inactivate, withdrawn and modify data from the databases, and at col. 4, lines 35-43 wherein Wright's a set of specifications of a proposed project are posted to one of the databases, and Thompson: Figs. 2-3 and col. 2, lines 60-63 where project information is received at a central office housing the construction project system, and at Fig. 2, col. 2, lines 60-66 where electronic transfer may be performed by electronic mail on regular basis).

As per claim 29, the combined teaching of the Thompson and Wright references further teaches "contributor comprises a subcontractor on the construction project" (See

Thompson: Fig. 1 and col. 2, lines 45-55 where general contractors, subcontractors, suppliers, builders, owners, engineers and architects access databases via network).

As per claim 30, the combined teaching of the Thompson and Wright references further teaches "preparing the submittal is performed by a prime contractor on the construction project" (See Thompson: Fig. 1 and col. 2, lines 45-55 where general contractors, subcontractors, suppliers, builders, owners, engineers and architects access databases via network).

As per claim 31, the combined teaching of the Thompson and Wright references further teaches "steps of posting and updating are accomplished electronically" (See Wright: Fig. 1 and col. 7, lines 46-60 where user account is created, project description is posted, proposals and bids are submitted into databases for review and change, and participant owners post, inactivate, withdrawn and modify data from the databases, and at col. 4, lines 35-43 wherein Wright's a set of specifications of a proposed project are posted to one of the databases, and Thompson: Figs. 2-3 and col. 2, lines 60-63 where project information is received at a central office housing the construction project system, and at Fig. 2, col. 2, lines 60-66 where electronic transfer may be performed by electronic mail on regular basis).

As per claim 32, the combined teaching of the Thompson and Wright references further teaches "electronically posting and updating are accomplished on an Internet

website" (See Wright: Fig. 1 and col. 7, lines 46-60 where user account is created, project description is posted, proposals and bids are submitted into databases for review and change, and participant owners post, inactivate, withdrawn and modify data from the databases, col. 4, lines 35-43 wherein Wright's a set of specifications of a proposed project are posted to one of the databases, and at Fig. 5, element 106 and col. 11, lines 5-10 where users can access the construction management system via internet, and Thompson: Figs. 2-3 and col. 2, lines 60-63 where project information is received at a central office housing the construction project system, and at Fig. 2, col. 2, lines 60-66 where electronic transfer may be performed by electronic mail on regular basis)..

As per claim 33, the combined teaching of the Thompson and Wright references further teaches "accessing the submittal at the central location by a responder to the submittal, and electronically approving the submittal by the responder and updating the posting to include the approved submittal at the central location" (See Wright: Fig. 4 and col. 11, lines 3-25 where project owner, architect, general contractor, contractor, vendor and supplier access the system database for submitting data, at Fig. 1 and col. 7, lines 46-60 where user account is created, project description is posted, proposals and bids are submitted into databases for review and change, and participant owners post, inactivate, withdrawn and modify data from the databases, and users access to the system via network, and Thompson: Figs. 2-3 and col. 2, lines 60-63 where project information is received at a central office housing the construction project system).

As per claim 34, the combined teaching of the Thompson and Wright references further teaches "storing a submittal history" (See Wright: col. 10, lines 26-39 where the database stores history data, and Thompson: col. 3, line13-18 where audit trail records are stored in the database).

As per claim 35, the combined teaching of the Thompson and Wright references further teaches "submittal history is maintained beyond completion of the construction project" (See Wright: col. 10, lines 26-39 where the database stores history data and Thompson: col. 3, line13-18 where audit trail records are stored in the database).

As per claim 36, the combined teaching of the Thompson and Wright references further teaches "submittal history includes submittal information" (See Wright: col. 10, lines 26-39 where the database stores history data and Thompson: col. 3, line13-18 where audit trail records are stored in the database).

As per claim 37, the combined teaching of the Thompson and Wright references further teaches "tracking submittal information" (See Wright: col. 10, lines 26-39 where the database stores history data and Thompson: col. 3, line13-18 where audit trail records are stored in the database).

As per claim 38, the combined teaching of the Thompson and Wright references further teaches "tracking submittal information comprises the step of updating a

submittal history archive" (See Wright: col. 10, lines 26-39 where the database stores history data and Thompson: col. 3, line13-18 where audit trail records are stored in the database, and at col. 7, 54-60 where database is updated).

7. The prior art made of record

I. U.S. Patent 6,581,040

H. U.S. Patent 6,393,410

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. U.S. Publication 2004/0117361

U. Oracle Certified Professional™ DBA Certification Exam Guide, Jason Couchman, Osborne McGraw-Hill, 1998

B. U.S. Publication 2003/0187932

C. U.S. Patent 6,529,880

D. U.S. Publication 2003/0101127

E. U.S. Patent 6,625,619

F. U.S. Patent 6,236,409

G. U.S. Patent 6,810,383

V. Electronic Permitting Systems and How to Implement Them, U.S. Dept. of Housing and Urban Development, April. 2002

W. e-Government Plan, "Technology @ Your Fingertips", Irving, Texas, Spring, 2002

X. Automated Permitting with Smart Permits, Arthur E. Hendriques, 1999 APA
Proceedings

Response to Affidavit(s) (Rule 131 or 132) or Exhibit(s)

8. The declaration filed on July 8, 2005 under 37 CFR 1.131 has been considered but is ineffective to overcome the Geer reference (U.S. Patent Application Publication 2004/0117361) cited by the Examiner in the Office Action for non-Final Rejection, dated April 7, 2005.

The evidence submitted by the Applicant mainly consists of Executive Summary (Pages 1-2 and 10-11), Current Status and emails.

The Executive Summary mentioned the SubmittalDot.com providing services to construction industry and described some services SubmittalDot.com provides. The Current Status briefly claimed the SubmittalDot.com having extensive knowledge of the construction industry. The emails communications established some time frames of a software project related to a domain and web pages under development. However, the above exhibits generally lack of evidence showing its direct linkage to the specific subject matter claimed as invention in the application.

Please note conception is the mental part of the inventive act but it must be capable of proof, as by drawings, complete disclosure to another person, etc. In *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897), it was established that conception 'is more than a mere vague idea of how to solve a problem', the means themselves and their interaction must be comprehended also. MPEP 715.07.

With regard to diligence, where conception occurs prior to the date of the reference but reduction to practice is afterward, it is not enough merely to allege that applicant has been diligent. Ex parte Hunter, 1889 C.D. 218, 49 O.G. 733 (Comm'r Pat. 1889). The attached Executive Summary is lack of creation date and evidence for specifically showing its relation to the claimed subject matter. The communication emails does mention some web designs, SubmittalDot.com domain and VeriSign, among others and is also lack of evidence showing its specific relation to the claimed subject matter. The combined statement of the declaration is lack of evidence showing the evidence of facts on establishing diligence toward practice for the claimed subject matter. For all the reasons discussed above, applicant's declaration of "my invention, which was disclosed to the potential investor on or about March 6, 2001, includes an Application Service Provider (ASP) that provides a subscription service to construction professionals. The ASP integrates the submittal process through the internet by storing submittal information on a central database that is accessible by all construction professionals participating in a construction project. As is discussed in Exhibit A, this ASP database eliminates prior art usage of the postal service to deliver submittal information from a contractor to the architect/engineer (or owner's representative) for review and approval and to deliver approval back to the contractor. Instead, the contractor accesses the ASP website over the internet to post submittal information, and the architect/engineer (or owner's representative) accesses the ASP website over the internet to review the submittal information and to provide approval of the submittal" is not considered satisfactory evidence. Consequently, the Applicant's evidence for moving priority date from April 28, 2003 to March 6, 2001 is considered ineffective.

Response to Arguments

9. The Applicant's arguments concerning the claims rejection in the Office Action for non-Final Rejection, dated April 8, 2005, has been fully considered by the Examiner, however, they are moot on new grounds of rejection.

Conclusions

10. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

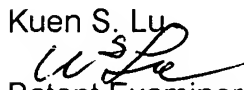
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Contact Information

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuen S. Lu whose telephone number is 571-272-4114. The examiner can normally be reached on 8 AM to 5 PM, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kuen S. Lu

Patent Examiner

August 12, 2005


Mohammad Ali

Primary Examiner

August 12, 2005